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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID KECK,
Individually and on behalf of all other similarly
situated,

Plaintiff,

vs.

BANK OF AMERICA, a Delaware Corporation;
CENTRAL STATES INDEMNITY CO. OF
OMAHA, a Nebraska Corporation; CSI
PROCESSING, LLC, a Nebraska Company, TRG
CUSTOMER SOLUTIONS, INC. d/b/a/
TELESPRECTUM,

Defendants.

) Case No.: CV 08-1219 CRB

) **CLASS ACTION**

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER CONTINUING HEARING**
) **DATES**

1 It is hereby stipulated by the parties, through their respective counsel, as follows:

2 1. On July 7, 2008, in response to the parties' scheduling proposals, the Court set
3 October 31, 2008 as the date for completion of ADR, December 5, 2008, as the date for hearing
4 Defendant Bank of America's Preemption Motion, and April 3, 2009 as the date for hearing
5 Plaintiff's Motion for Class Certification.

6 2. On September 17, 2008, Michael Hassen of Jeffer, Mangels, Butler & Marmaro
7 LLP, replaced Robert Ward of Shartsis Friese LLP as counsel for Defendant TRG Customer
8 Solutions, Inc.

9 3. The parties have agreed to participate in a mediation before the Hon. William
10 Cahill (Ret.) of JAMS. However, as a result of Mr. Hassen's recent appearance as counsel, and
11 the busy schedules of counsel, the parties and the mediator, it has taken some time for the parties
12 to arrange a mutually acceptable date for the mediation. The parties have now agreed to conduct
13 the mediation on December 11, 2008.

14 4. The parties believe that it would be in all of their interests to complete the
15 mediation prior to incurring additional attorneys' fees and costs in this matter.

16 5. In order to afford the parties sufficient time to complete the mediation, the hearing
17 on Defendant's Preemption Motion shall be continued to March 6, 2009, or such other date as the
18 Court may order, and the hearing on Plaintiff's Motion for Class Certification shall be continued
19 to July 10, 2009, or such other date as the Court may order.

20
21 DATED: October 13, 2008

DATED: October 13, 2008

22 CHAVEZ & GERTLER LLP

KELLEY DRYE & WARREN LLP

23 LAW OFFICE OF PETER FREDMAN

24 By: 

25 Mark A. Chavez

By: /s/

Thomas E. Gilbertsen

26 Attorneys for Plaintiff David Keck

Attorneys for Defendant Bank of America, N.A.

JEFFER, MANGELS, BUTLER
& MARMARO LLP

By: /s/
Michael J. Hassen

Attorneys for TRG Customer Solutions, Inc.
d/b/a Telespectrum

ECF Certification

I, Mark A. Chavez, certify that concurrence in the filing of the Stipulation and Proposed Order Continuing Hearing Dates has been obtained from Thomas E. Gilbertsen and Michael J. Hassen on behalf of Defendants.

Dated: October 17, 2008

CHAVEZ & GERTLER LLP

By: [Signature]
Mark A. Chavez

PROPOSED ORDER

Upon the Stipulation of the parties, and good cause appearing;

1. The date for hearing Defendant/Bank of America's Preemption Motion shall be continued from December 5, 2008 to March 6, 2009; and

2. The date for hearing Plaintiff's Motion for Class Certification shall be continued from April 3, 2009 to July 10, 2009 at 10:00 a.m.

IT IS SO ORDERED.

DATED: October 22 2008

THE HONORABLE
United States District Judge

